



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 6, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-27870 - APPLICANT/OWNER: MRA, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 16, 2008 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WOLFSON.***

### **\*\* CONDITIONS \*\***

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. One year administrative review after issuance of business license.
2. Approval of and conformance to the Conditions of Approval for Reclassification (Z-0013-86), and Special Use Permit (SUP-28192) shall be required.
3. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Supper Club use, including parking requirements.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
8. The actual seating available at all times within the restaurant area of the Supper Club must be able to accommodate at least 125 persons per Title 6.50.220 and Title 19.04.010.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Special Use Permit for a proposed Supper Club in conjunction with a proposed Night Club (SUP-28192) with Waivers to allow a 60-foot distance separation from a Child Care Facility where 400-feet is required at 8991 W. Sahara Avenue. The owner is proposing a restaurant, bar, lounge, and ballroom facility in which a menu of Filipino food, beer and wine will be offered. This proposed Supper Club is comprised of 4,344 square-feet, with seating for 120 in the dining area and seating for 14 in the lounge, for a total of 134. Seating in the designated restaurant area must accommodate seating for 125 persons in order to comply with Title 6.50.220 and Title 19.04.010. A condition has been added to address this concern. The proposed location is part of a larger commercial subdivision (The Lakes Business Center), which adequately supplies the amount of parking required for this site.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
08/15/84	The City Council approved a Reclassification of Property (Z-0054-84), generally bounded by Sahara Avenue on the north, Durango drive on the east, Desert Inn Road on the south, and Fort Apache Way on the west, From: N-U (Non-Urban), To: R-1 (Single Family Residence), R-PD3 (Residential Planned Development), R-PD4 (Residential Planned Development), R-PD7 (Residential Planned Development), R-PD12 (Residential Planned Development), R-PD23 (Residential Planned Development), P-R (Professional Offices & Parking), C-1 (Limited Commercial), and C-V (Civic).
03/19/86	The City Council approved a Reclassification of Property (Z-0013-86) generally located in an area bounded by Desert Inn Road, Durango Drive, Sahara Avenue, and Fort Apache Road from: N-U (Non-Urban) to: R-CL (Single family Compact Lot), R-PD12 (Residential Planned Development), R-PD18 (Residential Planned Development), C-1 (Limited Commercial). The Planning Commission and staff both recommended approval.
11/10/94	The Planning Commission approved (final action) a Plot Plan and Building Elevation Review [Z-0013-86(5)] for a proposed medical office on property located north of Sahara Avenue, west of Crystal Water Way. Staff recommended approval.
04/13/95	The Planning Commission approved (final action) a Plot Plan and Building Elevation Review [Z-0013-86(6)] for a proposed medical building/office clinic on property located on the southwest corner of Sahara Avenue and Crystal Water Way. Staff recommended approval.

07/13/95	The Planning Commission approved (final action) a Plot Plan and Building Elevation Review [Z-0013-86(7)] for a proposed office building on property located on the south side of Sahara Avenue, west of Crystal Water Way. Staff recommended approval.
10/12/95	The Planning Commission approved (final action) a Plot Plan and Building Elevation Review [Z-0013-86(8)] for a proposed office building on property located at 8961 West Sahara Avenue. Staff recommended approval.
11/13/97	Staff administratively approved a request for an Administrative Site Development Plan Review [Z-0013-86(10)] on property located on the west side of Crystal Water Way, approximately 419 feet south of Sahara Avenue, for a proposed 3,945 square-foot office building.
04/13/00	The Planning Commission approved (final action) a request for a Site Development Plan Review for a proposed 11,350 square foot addition to an existing Office Building and a 10,939 square-foot New Office Building on 1.77 acres located south of Sahara Avenue, approximately 700-feet west of Crystal water Way. Staff recommended approval.
06/08/00	The Planning Commission approved (final action) a request for a Site Development Plan Review for two Medical Office Buildings on 3.05 acres on the south side of Sahara Avenue, approximately 2,000 feet east of Fort Apache Road. Staff recommended approval.
08/20/00	The City Council approved a Special Use Permit (U-0075-00) for a proposed Supper Club at 8991 West Sahara Avenue. The permit was not exercised, and was expired on 11/02/07.
06/12/08	<a href="#">The Planning Commission recommended approval of companion item SUP-28192 concurrently with this application.</a>  <a href="#">The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #28/ne).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
09/07/99	A building permit (#99017638) was issued for a shell building, certificate of completion at 8991 West Sahara Avenue for the Lakes Business Park, Building 1. The permit was finaled on 02/24/00.
11/08/99	A building permit (#99021494) was issued for a 30-foot by six-foot block wall and a 100-foot by 3-foot retaining block wall. The permit expired on 06/09/00.
04/28/00	A building permit (#8021) was issued for a tenant improvement build-out at 8991 West Sahara Avenue. The permit was finaled on 08/08/00.
06/06/00	A building permit (#10909) was issued for a 228 square foot sign (tag #004578) at 8991 West Sahara Avenue. The permit was finaled on 07/31/00.
06/08/01	A building permit (#1010424) was issued for a wall sign at 8991 West Sahara Avenue. The permit was finaled on 10/19/01.
08/31/01	A building permit (#1015787) was issued for a non-work, certificate of occupancy at 8991 West Sahara Avenue. The permit was finaled on 09/05/01.

02/06/03	A building permit (#3002462) was issued for a sign (tag #06650) at 8991 West Sahara Avenue. The permit was finalized on 03/10/03.
02/22/05	A building permit (#5001001) was issued for a tenant improvement build-out at 8991 West Sahara Avenue. The permit was finalized on 05/19/05.
04/18/05	A building permit (#5002423) was issued for a sign (tag #08236) at 8991 West Sahara Avenue. The permit expired on 11/26/05.
06/15/05	A business license (#M18-02418-E-104198) was issued to allow a consulting and marketing company at 8991 West Sahara Avenue. This business license was marked out of business on 08/07/07.
07/19/05	A business license (#A02-01889-D-096936) was issued to allow an advertising agency at 8991 West Sahara Avenue. This business license was marked out of business on 04/11/08.
<b><i>Pre-Application Meeting</i></b>	
04/10/08	A pre-application meeting was held and the requirements for submitting a Special Use Permit (SUP) application for a Supper Club were discussed. The applicant was also informed of the timetable required for submitting this request.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required and none was held.	
<b><i>Field Check</i></b>	
05/01/08	Planning and Development staff performed a site inspection. A non-permitted temporary sign (banner) was noted on-site.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	.97

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Existing Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Residential (Single Family Homes & Apartments)	L (Low) Density Residential & M (Medium) Density Residential	R-PD4 (Residential Planned Development – 4 Units Per Acre)& R-PD18 (Residential Planned Development – 18 Units Per Acre)
South	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
East	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Bank / Restaurants / Shops	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	
<b>Rural Preservation Overlay District</b>		X	
<b>Development Impact Notification Assessment</b>		X	
<b>Project of Regional Significance</b>		X	

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Supper Club **(Night Club)	2,956 s.f.	One space for each 50 square feet of public seating and waiting area, including outdoor areas for seating and waiting; plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.	57	3	*974	*23	Y
	1,388 s.f.		7				
Office	187,431 square feet		1:300				
SubTotal			676	16	*974	*23	
TOTAL (including handicap)			692		*997		

*\*Existing parking is per Z-0013-86, approved by City Council on 03/19/86.*

*\*\*Night Club use is incidental to Supper Club use.*

Waivers		
Request	Requirement	Staff Recommendation
A Waiver to allow a 60-foot distance separation from a child care facility.	Separation of at least 400-feet.	Approval

## ANALYSIS

This request is for a Special Use Permit for a proposed Supper Club in conjunction with a proposed Night Club (SUP-28192) with Waivers to allow a 60-foot distance separation from a Child Care Facility where 400-feet is required at 8991 W. Sahara Avenue. The owner is proposing a restaurant, bar, lounge, and ballroom facility in which a menu of Filipino food, beer and wine will be offered. This proposed Supper Club is comprised of 4,344 square-feet, with seating for 120 in the dining area and seating for 14 in the lounge, for a total of 134. Seating in the designated restaurant area must accommodate seating for 125 persons in order to comply with Title 6.50.220 and Title 19.04.010. A condition has been added to address this concern. The proposed floor plan includes an elevated dining area, a dining and dance floor area, and a bar / lounge area. The proposed location is part of a larger commercial subdivision (The Lakes Business Center), which adequately supplies the amount of parking required for this site and has a shared parking agreement for the subdivision. The proposed Supper Club would be located within a commercial subdivision that includes a variety of uses: restaurants, retail sales, medical and professional offices, personal services, and banking. The addition of a Supper Club within this commercial subdivision is compatible with the existing and future land uses as specified by the SC (Service Commercial) General Plan designation. Therefore, staff recommends approval.

- **Zoning**

The subject site is currently designated SC (Service Commercial), which is within the southwest sector of the Las Vegas Master Plan 2020. The site's C-1 (Limited Commercial) zoning designation is in conformance with the Las Vegas Master Plan 2020, and the Supper Club use is permitted in that designation with the approval of a Special Use Permit.

The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This proposed site is located on the periphery of residential neighborhoods and is confined to the intersections of primary and secondary thoroughfares along major retail corridors.

- **Use**

A Supper Club is defined by Title 19 as a restaurant and bar operation with alcoholic beverage sales in which:

1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors;
2. The actual seating available at all times within the restaurant area will accommodate at least one hundred twenty-five persons;
3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
4. Full-course meals are available during all hours the bar area is open to the public;
5. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
6. The restaurant operation is the principal portion of the business.

- **Conditions**

Title 19.04.010 lists the following conditions for the Supper Club use.

- \*\*1. No supper club use shall be located within 400-feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed Supper Club which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed Supper Club. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
  - a. Any leasehold parcel; or
  - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
3. In the case of a Supper Club proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
  - a. From the nearest property line of the existing use to the nearest portion of the structure in which the Supper Club will be located, without regard to intervening obstacles, or nearest property line of

a leasehold or occupancy parcel in which the Supper Club will be located, without regard to intervening obstacles.

- b. In the case of a proposed Supper Club which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the Supper Club will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for a Supper Club which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- \*5. In the O District, a Supper Club is permitted only as an accessory use.
- \*6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

\*Any condition with an asterisk cannot be waived.

\*\*Although the proposed use does not meet the minimum distance requirement of 400-feet from a Child Care Facility, staff finds that public health, safety, and welfare are not compromised by the distance separation of 60-feet; therefore, staff recommends approval.

## **FINDINGS (SUP)**

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Supper Club is located within a commercial subdivision that includes a variety of uses: restaurants, retail sales, medical and professional offices, personal services, and banking. The addition of a Supper Club within this commercial subdivision is compatible with the existing and future land uses as specified by the SC (Service Commercial) General Plan designation. Therefore, staff recommends approval.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**



The proposed site is within a commercial subdivision that was designed to accommodate a variety of uses, including a Supper Club use, and conforms to both the General Plan and the Title 19 land use designations of the site with the approval of a Special Use Permit. However, the site does not conform to the required minimum distance separation from a Child Care Facility as defined by Title 19.04.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Supper Club is located within a large, commercial subdivision that is adequately served by Sahara Avenue, a 100-foot Primary Arterial as defined by the Master Plan Streets and Highways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed site is located within the Southwest Sector of the Las Vegas 2020 Master Plan and is designated SC (Service Commercial). The site is in the C-1 (Limited Commercial) zoning district, which is in conformance with the SC (Service Commercial) General Plan designation. The Supper Club use is permitted in that district with the approval of a Special Use Permit and will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use fails to meet the minimum Special Use Permit requirements for a Supper Club use set forth by Title 19.04. The site is 60-feet from a Child Care Facility use where a 400-foot minimum distance separation is required. The proposed Supper Club use meets the remaining requirements.

#### **PLANNING COMMISSION ACTION**

There were two speakers in favor of this application at the Planning Commission meeting.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

8

**ASSEMBLY DISTRICT**      2

**SENATE DISTRICT**      8

**NOTICES MAILED**      1153 by City Clerk

**APPROVALS**      0

**PROTESTS**      9